

Appl. No.: 10/087,809  
Amdt. dated 04/26/2007  
Reply to Office Action of 12/27/06

### **REMARKS/ARGUMENTS**

This Preliminary Amendment is submitted with a Request for Continued Examination. In the final Office Action, the Examiner rejects Claims 12-16 under 35 U.S.C. § 112, second paragraph, as being indefinite and under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner rejects Claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,659,768 to Forbes et al. Applicant filed an Amendment after the final Office Action on March 12, 2007, and an Advisory Action was mailed on March 23, 2007. In the Advisory Action, the Examiner entered the amendment to independent Claim 12 for purposes of appeal, but maintained the rejections of the claims.

Applicant submits amendments to independent Claims 1 and 6 to further patentably distinguish Forbes. In addition, Applicant has also amended independent Claims 12-16 to address issues relating to definiteness and statutory subject matter. In light of the claim amendments and subsequent remarks explained more fully below, Applicant respectfully requests reconsideration and allowance of the claims.

#### **A. Rejections of Claims 12-16 under 35 U.S.C. § 112, ¶ 2, and § 101**

The Examiner finds that Claims 12-16 are indefinite under § 112, second paragraph, because there are no structural elements recited that would render the claims an apparatus, and a graphical user interface cannot include a computer-readable storage medium with computer-readable instructions. The Examiner bases the rejection under § 101 on similar grounds, as Claims 12-16 purportedly disclose non-functional descriptive material and do not clearly fall within a statutory class of invention.

Although Applicant disagrees with the rejection as set forth below, Applicant has amended Claim 12 to recite a data processing system having computer-readable instructions stored therein for generating a graphical user interface for selecting dates in an interactive calendar. As indicated in the Advisory Action, “While a graphical user interface is not statutory, a data processing system and/or computer-readable storage medium having computer-readable instructions stored therein to generate a graphical user interface would be statutory.” Therefore,

independent Claim 12 recites statutory subject matter and includes functional descriptive material, and the rejections under §§ 112 and 101 are overcome.

**B. Rejection of Claims 1-16 under 35 U.S.C. § 103(a)**

The Examiner rejects Claims 1-16 as being unpatentable over Forbes. Independent Claim 1 recites receiving a signal designating a first date associated with an event and receiving a signal designating a second date associated with an event. Claim 1 further recites comparing the first date and the second date to determine a chronological relationship between the first date and the second date. Claim 1 has been amended to recite that the first and second dates are compared after receiving the respective first and second signals designating the first and second dates. In addition, Claim 1 recites determining a start date for an event range based upon the chronological relationship between the first date and the second date. Independent Claim 6 includes similar recitations as that of Claim 1 and has been amended to recite receiving a series of dates associated with an event and comparing two of the dates in the series of dates to determine a chronological relationship between the two dates in the series of dates, wherein the two dates are compared after receiving the series of dates.

In the Advisory Action, the Examiner states that “when the user inputs the start time, the chronological relationship has already been determined, resulting in one time being identified as the start time and the other time being identified as the end time.” However, Claims 1 and 6 have been amended to recite that the dates are compared after receiving the dates in order to determine a chronological relationship between the dates, and that the chronological relationship is used to determine a start date. Thus, in contrast to the Examiner’s reasoning that the chronological relationship has already been determined when the dates are entered, the claimed invention requires that the dates be compared and the chronological relationship therebetween be determined after being entered. Thus, the order of inputting the dates is irrelevant. Conversely, Forbes simply discloses inputting a start time and an end time and, as acknowledged by the Examiner, the chronological relationship has already been established when the dates are entered. Therefore, Applicant submits that Forbes does not teach or suggest independent Claims 1 and 6.

Applicant further submits that Forbes does not teach or suggest independent Claim 11, which recites enabling a user to modify the presented information by selecting a third date, wherein the third date is set as a new start date for the event range when the third date falls within the event range, and the set start date was received before the set end date. The third date is set as a new end date for the event range when the third date falls within the event range, and the set end date was received before the set start date. Dependent Claims 4, 5, 9, 10, 15, and 16 provide similar recitations where a new date is received and set as a new start date or end date depending on when the set start date or end date was received.

The Examiner finds that Forbes discloses modifying the presented information by selecting a date that falls within the originally determined event range, as recited by independent Claim 11. Forbes only discloses that the start and end times may be modified by dragging either end of a timebar (i.e., the start or end time), or that the user may select a left side of the time bar to change the start time or select a right side of the timebar to change an end time. In the Advisory Action, the Examiner states:

For example, if an event had been schedule [sic] to start at 9 AM and end at 11 AM, the user could modify the event to start at 10 AM, or end at 11 AM. If the left portion of the timebar is manipulated, then a new end time has been received and set. Thus, the Examiner asserts that Forbes allows users to select a time that falls between the start and end times and set a new start or end time (by manipulating the timebar to change the start or end time) depending on when the set start and end times were received.

However, even if Forbes discloses modifying a start time or end time, Forbes does not teach or suggest modifying the start time or end time based on when the set start time was received in relation to the set end time. This is distinctly different than where on a timebar a selection is made, as disclosed by Forbes. Thus, in contrast to Forbes, the claimed invention discloses that a new start date or end date may be set in response to entering a third date that falls within the event range spanning the start and end dates depending on when the start date or end date was received. Simply modifying a start time or end time independently or based on where the user places the cursor on the timebar as disclosed by Forbes in no way teaches or suggests independent Claim 11, which recites that the third date is set as a new start date or end date for

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the event range when the third date falls within the event range, and the set start date was received before the set end date or the set start date, respectively.

Moreover, Applicant disagrees that Forbes discloses independent Claim 12, which recites that the graphical user interface provides a monthly calendar interface that allows users to select and view event ranges. In the Advisory Action, the Examiner states that: “Forbes teaches an interactive, visually supportive means of interacting with graphical time represented tasks using a wide variety of display, input and pointing capabilities [Column 3, lines 6-9].” Although this statement may be true with respect to the timebars disclosed by Forbes, Forbes does not disclose that the user may interact with a calendar or otherwise select dates on the calendar, which is unlike Claim 12. Conversely, the calendar depicted in FIG. 7 of Forbes is only for displaying events that are already scheduled rather than actually using the calendar as an interface for selecting dates to determine an event range. Claim 12 specifically recites “generat[ing] an initial view including a monthly calendar interface for users to *select* event ranges.” Rather, Forbes discloses that users may enter the start time and end time or duration, and that the start and end times may be changed by moving the ends of the timebar. Only previously scheduled events are displayed on the calendar of Forbes. In fact, Forbes discloses that “[t]he invention depicts the placement of an event in time by providing a display of a standard Gregorian calendar on which tasks previously scheduled on certain days are shown” (col. 2, lines 63-65) and that “[d]isplay of the provided Gregorian calendar graphically depicts scheduling timeframes as well as identifies days on which events are already scheduled” (col. 8, lines 61-64). Therefore, Forbes clearly does not disclose that the monthly calendar is a graphical user interface that allows users to select dates and view the selected event range, as recited by independent Claim 12.

Therefore, in light of amendments and aforementioned remarks, Applicant submits that the rejection of independent Claims 1, 6, 11, and 12, and those claims that depend therefrom, under 35 U.S.C. § 103(a) is overcome.

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## CONCLUSION

In view of the amendments and remarks presented above, which do not raise new issues, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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